

Message Text

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PAGE 01 BANGKO 04405 201112 Z

14

ACTION EA-14

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 1591

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E. O. 11652: N/ A

TAGS: ELAB, EGEN

SUBJ: ALIEN OCCUPATION DECREE

REF: A. STATE 30276

B. BANGKOK 3302

C. BANGKOK 4159

1. EMBOFFS MARCH 15 FISCUSSED RELATIONSHIP BETWEEN AOD AND AERO TREATY WITH DG LEGAL AND TREATY DEPARTMENT OF MFA. EMBOFFS STRESSED THEY WERE PRESENTING INFORMAL AND PRELIMINARY US INTERPRETATION OF AER TREATY WHICH WAS WELCOMED BY DG. HE SAID " WE INTEND GIVE EFFECT TO WHAT IS IN THE TREATY" BUT SAID THEY MUST INTERPRET TREATY VERY STRICTLY.

2. IN DISCUSSION RELEVANT ARTICLES OF AER TREATY DG ASKED ABOUT INTERPRETATION OF CLAUSE IN ARTICLE I:1 " LAWS RELATING TO ENTRY AND SOJOURN OF ALIENS" AND ARTICLE IV:6 " IN ACCORDANCE WITH THE APPLICABLE LAWS." DG SAID THAI INTERPRETATION THESE TWO CLAUSES PERMITTED " SUBSTANTIVE" AS WELL AS " PROCEDURAL" REGULATIONS AND RESTRICTIONS.

3. ALSO ON ARTICLE IV:6, DG SAID THEIR INTERPRETATION WAS FIRST SENTENCE PERMITTED FOREIGN FIRMS HIRE SPECIALISTS AND EXPERTS TO EXTENT QUALIFIED UNDERDOMESTIC LAWS AND REGULATIONS BUT SUCH INDIVIDUALS COULD BE USED IN CONTACT,
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PAGE 02 BANGKO 04405 201112 Z

I. E., BUSINESS RELATIONSHIP, WITH OTHER FIRMS AND INDIVIDUALS, WHEREAS SECOND SENTENCE REFERRED ONLY TO HIRING INDIVIDUALS FOR INTERNAL OPERATION OF FIRMS IN QUESTION. UNDER FIRST SENTENCE FIRM COULD HIRE PERSON OF ANY NATIONALITY FROM GROUP MEETING PROFESSIONAL QUALIFICATIONS. EMBOFFS SAID DEPARTMENT HAD TREATED FIRST AND SECOND SENTENCES OF PARA 6 AS APPLYING TO INTERNAL OPERATIONS ONLY.

4. EMBOFFS REVIEWED POINTS CONTAINED PARA 3 REF. A. ON QUESTION MFA ASSISTED EXECUTIVES, EMBOFFS REPEATED ADVICE RECEIVED SO FAR FROM PROTOCOL DEPARTMENT OF MFA THAT PROGRAM WILL CONTINUE, ALTHOUGH IT APPEARS THAT IT WILL BE ON MORE RESTRICTED BASIS THAN IN PAST APPLYING ONLY TO "EXECUTIVES" AND NOT TO ALL AMERICAN EMPLOYEES OF AMERICAN FIRMS. DG RESPONDED HE WOULD LOOK INTO THIS QUESTION.

5. EMBASSY REQUESTS COMMENTS ON ISSUES RAISED PARAS 2 AND 3. FURTHER REQUEST DEPARTMENT'S VIEWS ON QUESTION WHETHER UNDER TREATY THAI IMMIGRATION REGULATIONS REQUIRING AMERICAN BUSINESSMEN FALLING IN CATEGORIES A AND B OF ARTICLE I:1 DEPART COUNTRY AS FREQUENTLY AS EVERY 30 TO 60 DAYS FOR RENEWED NON-IMMIGRANT VISAS ACCEPTABLE. AS DEPARTMENT AWARE, WORK PERMITS UNDER AOD VALID ONLY AS LONG AS PERMISSION REMAIN COUNTRY. AS RESULT, FOREIGN BUSINESSMEN WHO DECIDE NOT TO BUY RESIDENCE PERMIT AND WHO MIGHT NOT RECEIVE EXTENDED NON-IMMIGRANT VISA WITH MFA ASSISTANCE MIGHT BE SUBJECT TO WHAT AMOUNTS ALMOST TO "HARASSMENT." THEY MIGHT BE REQUIRED OBTAIN NEW WORK PERMIT WITH ASSOCIATED FEES AND BUREAUCRATIC TIME CONSUMING PROCEDURES AS FREQUENTLY AS THEY MUST LEAVE COUNTRY FOR VISA PURPOSES.
UNGER

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